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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JAVIER CASTILLO,

11 Plaintiff,

12 v.

13 CBCC SUPERINTENDENT, et al.,

14 Defendants.

CASE NO. 3:17-cv-05701-RJB-JRC

ORDER DENYING MOTION TO
COMPEL

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16 The District Court has referred this action, filed pursuant to 42 U.S.C. § 1983, to United
17 States Magistrate Judge J. Richard Creatura. Plaintiff Javier Castillo has filed a “motion for order
18 compelling discovery.” Dkt. 14.

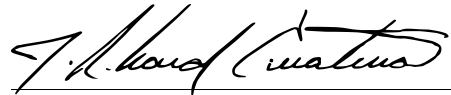
19 A motion to compel is appropriate to force an opposing party to make a disclosure
20 pursuant to Federal Rule of Civil Procedure 26, or to respond to written or oral discovery
21 requests. Fed. R. Civ. P. 37(a)(3). For purposes of such a motion, “an evasive or incomplete
22 disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.” Fed.
23 R. Civ. P. 37(a)(4). Rule 37(a)(1) of the Federal Rules of Civil Procedure requires that a party
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1 seeking to compel discovery include in the motion a certification that the moving party “has in
2 good faith conferred or attempted to confer” with the party failing to make disclosures.

3 Plaintiff’s motion to compel does not actually request any discovery. *See* Dkt. 14. Rather,
4 plaintiff provides a list of a number of documents that he has attached to his motion, seemingly
5 in support of his complaint. Plaintiff has not alleged that defendants have failed to produce
6 discovery and he has not explained whether he has provided them with any interrogatories or
7 other discovery instruments. The Court is unclear what relief, if any, plaintiff seeks from the
8 Court, but an order compelling discovery is not the appropriate remedy.

9 As such, the motion for an order compelling discovery (Dkt. 14) is denied.

10 Dated this 18th day of May, 2018.

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12 J. Richard Creatura
13 United States Magistrate Judge
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